

# PATENT COOPERATION TREATY

JUL 10/03/m

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:  
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NOTIFICATION OF TRANSMITTAL OF  
INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

2870-001 PCT  
**DOCKETED**

(PCT Rule 71.1)

11/9/24

BY: \_\_\_\_\_

Date of Mailing  
(day/month/year)

**29 NOV 2003**

Applicant's or agent's file reference

2870-001 PCT  
2870-001 CIP

**IMPORTANT NOTIFICATION**

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US03/21190

07 July 2003 (07.07.2003)

05 July 2002 (05.07.2002)

Applicant

I2TELECOM INTERNATIONAL, INC.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

Mail Stop PCT, Attn: IPEA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

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Authorized officer

Dang Ton

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*Rugenia Zagan*

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2870-001CIP	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US03/21190	International filing date (day/month/year) 07 July 2003 (07.07.2003)	Priority date (day/month/year) 05 July 2002 (05.07.2002)
International Patent Classification (IPC) or national classification and IPC IPC(7): H04L 12/28, 12/56, 12/66; H04J 3/16, 3/22 and US Cl.: 370/254, 352, 401, 402, 421, 465, 466, 467, 469; 709/218, 220, 221, 225, 230, 237, 249, 250, 253		
Applicant I2TELECOM INTERNATIONAL, INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of — sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 05 February 2004 (05.02.2004)	Date of completion of this report 14 September 2004 (14.09.2004)
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230	Authorized officer Dang Ton Telephone No. 571-272-3171

Form PCT/IPEA/409 (cover sheet)(July 1998)

**I. Basis of the report**1. With regard to the **elements** of the international application:\*

- ☒ the international application as originally filed.
- ☒ the description:  
pages 1-14 as originally filed  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.
- ☒ the claims:  
pages 15-22 as originally filed  
pages NONE, as amended (together with any statement) under Article 19  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.
- ☒ the drawings:  
pages 1-10 as originally filed  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.
- ☐ the sequence listing part of the description:  
pages NONE as originally filed  
pages NONE, filed with the demand  
pages NONE, filed with the letter of \_\_\_\_\_.

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Internatio. application No.  
PCT/US03/21190**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>1-36, 43</u>	YES
	Claims <u>37-42</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-43</u>	NO
Industrial Applicability (IA)	Claims <u>1-43</u>	YES
	Claims <u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Claims 37-41 lack novelty under PCT Article 33(2) as being anticipated by Waldman (5,402,481). Waldman discloses the method of directing a call in a packet switched telecommunication system including the step of receiving a dialing code from a calling device; determining the network of a receiving device from the dialing code; selecting a telecommunication protocol based on the network of the receiving device (see col. 23 lines 45 to col. 24 line 18); and connecting the calling device to the receiving device using the selected telecommunication protocol as in claims 37-41 (see col. 24 lines 18-34 and col. 18 lines 9-17).

Claim 42 lacks novelty under PCT Article 33(2) as being anticipated by Dowling (20020052965). Dowling discloses the communication system comprising a service provider gateway in communication with a first telephony gateway and a second telephony gateway as in claim 43 (see paragraphs 21, 43, and 94).

Claims 1-36 and 43 lack an inventive step under PCT Article 33(3) as being obvious over Bhatia et al. (6,118,768) in view of Oliver (6,256,778). Bhatia et al. disclose the microprocessor linked to a flash memory (see col. 6 lines 49-59) wherein the flash memory comprises a first telecommunication protocol expressed as a first template comprising one or more virtual machine instructions (see co. 6 line 49 to col. 7 line 28); the microprocessor comprises CPU linked to a random access memory and a firmware adapted to operate a virtual machine (see col. 14 lines 25-58) and wherein the CPU is adapted to direct the virtual machine to read the first template of virtual machine instruction from the flash memory; store a current first template virtual machine instruction in the RM; receive first template state data; and execute the current first template virtual machine instruction using the first template state data (see col. 27 line 66 to col. 28 line 36, see also col. 4 lines 45-51). Oliver discloses the telecommunication protocol engine as in claims 1, 14, and the telephony gateway as in claim 24(see col. 3 lines 45-58).

----- NEW CITATIONS -----